



In the United States Patent and Trademark Office

William E. McLaughlin

09/235,618 filed 01/21/99

Publications Group: Nadine Clark, 703-578-6819

Southampton, PA 18966-4545

September 10, 2002

Commissioner of Patents, Box Publications Group,
Washington DC 20231

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TECHNOLOGY CENTER R3700

CONFIRMATION OF TELEPHONE CALL

Counsel is seeking to comply with the current custom that an attorney makes of record all telephone conversations having pertinence to the case.

Yesterday Counsel John R. Ewbank received a telephone call from Nadine Clark of the Publications Group. Although the Examiner approved the drawings herein, the contractor who handles the printing of patents has ruled that the drawings are unsatisfactory, and that a new set of drawings must be submitted. Counsel is conscientiously seeking to expedite that request. However, some delays are unavoidable.

The drawings prepared for submission of the application were prepared by an experienced draftsman familiar with Patent Office standards. Because the Patent Office prefers to minimize the number of sheets of drawings in a printed patent, counsel organized the initial drawings into fewer sheets, and submitted photocopies thereof as the formal drawings. Counsel has had acceptance of formal drawings prepared in this manner. When the Examiner indicated that the drawings were acceptable and the Notice of Allowability was issued on September 7, 2001, counsel thought that problems relating to drawings were past. However, when preparing the divisional application, he discovered that no suitable copy of the drawings was in the file

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Counsel hired his Washington Associate, Eric Scherlin, to seek access to this file in the Publications Group. The Publications Group, in October, 2001, acknowledged such Power to Inspect, but could not locate the file. Counsel sought better copies of the drawings from the client, and used the photocopy of a commercial establishment to prepare the drawings submitted Nov. 3 and resubmitted March 3, 1002. In the divisional case it was argued that because the drawings had been approved in the parent case, and because the Patent Office had access to such parent case, that photocopies of the drawings in the parent case could be transferred to the divisional case.

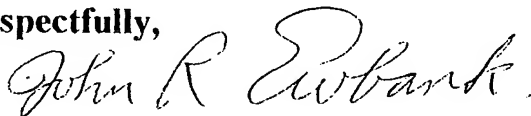
Now that there has been a demand for replacement drawings, counsel plans to further investigate efforts to locate quality drawings that could be photocopied, but recognizes that replacement drawings must probably be prepared, and hence fitted into the busy schedule of the original draftsman or some other patent draftsman. Hence, counsel requested Nadine Clark to preserve the case in abeyance while counsel expedites the submission of substitute drawings. Nadine Clark did not identify what section of MPEP, if any, covers this unusual type of request. Counsel assumes that there would be 30 days from any written request, and aspires to mail the replacement drawings prior to his scheduled overseas departure on Oct. 3, 2002. As connoted by the mailing of the Issue Fee more than a month prior to its due date, counsel seeks to expedite issuance of this patent. Because the divisional application has already been published, and because the expiration data is already less than 17 years ahead, counsel has no incentive for delaying issuance of this patent. Accordingly the Patent Office is asked to be reasonable in dealing with this problem. For approximately fifty years, Counsel has been urging the Patent Office to prepare and publish a Manual

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for pro-se inventors that could be used by patent attorneys for coping with problems of this nature. Because the MPEP is designed primarily to guide Examiners, and merely provide clues for lawyers and pro se applicants, it lacks guidelines for situations of this nature, and is so difficult to search that that ordeal is postponed and avoided except when very obviously necessary. Most patent applications are likely to be prosecuted by attorneys handling a large volume of cases, but the Patent Office has a duty to accommodate those attorneys handling only a small volume of cases.

Counsel is conscientiously seeking to provide the replacement drawings and expects to have them mailed prior to the issuance of any deadline for their submission. The tensions inherent in deadlines are minimized.

Respectfully,



John R. Ewbank, 14853

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Certificate of mailing

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on the indicated date.

Dated

Sept 10, 2002 Signed *John R. Ewbank*

McLaughlin 6,482,108, Exhibit E